

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

2007 MAY 22 PM 3:02

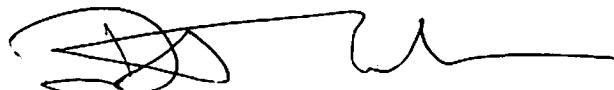
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Marvin Skinner, : Case No. 5:06CV2313
Petitioner :
v. : Judge Sara Lioi
Michelle Eberlin, Warden, : Magistrate Judge David S. Perelman
Respondent :
**REPORT AND RECOMMENDED
DECISION**

Petitioner, through counsel, has moved for a voluntary dismissal, without prejudice, of this action in habeas corpus, 28 U.S.C. §2254.

In the motion counsel states that new facts came to her attention which led to discussions of the viability of the petition with the petitioner, and that "On May 18, 2007, after weighing the considerations, Petitioner Skinner informed the undersigned of his decision that his interests would not be served by further pursuit of a writ of habeas corpus. Petitioner Skinner further indicated his desire to seek a voluntary dismissal [of] his petition, and requested the undersigned to file the appropriate motion."

In light of this representation, it is recommended that this motion be granted.



DAVID S. PERELMAN
United States Magistrate Judge

DATE: May 22, 2007

OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).